

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

834937

**PHELAN HALLINAN DIAMOND & JONES, PC**

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**Attorneys for Wells Fargo Bank, N.A. As Successor By  
Merger To Wachovia Bank, N.A.**

In Re:

Mary Ann Kopidowski



**Order Filed on February 27, 2020  
by Clerk,  
U.S. Bankruptcy Court  
District of New Jersey**

Case No: 17-19172 - SLM

Hearing Date: February 26, 2020

Judge: Stacey L. Meisel

Recommended Local Form:



Followed



Modified

**ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4) is hereby **ORDERED**.

**DATED: February 27, 2020**

A handwritten signature in cursive script that reads "Stacey L. Meisel".  
**Honorable Stacey L. Meisel  
United States Bankruptcy Judge**

Applicant: Wells Fargo Bank, N.A. As Successor By Merger To Wachovia Bank, N.A.  
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC  
Debtor's Counsel: Michael G. Boyd, Esquire  
Property Involved ("Collateral"): 98 Race Street, Nutley, NJ 07110

Relief sought: ☒ **Motion for relief from the automatic stay**  
☐ Motion to dismiss  
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for **5** months, from **September 23, 2019** to **January 23, 2020**.

☒ The Debtor is overdue for **1** payment at **\$728.90** per month.

☒ The Debtor is overdue for **1** payment at **\$694.81** per month.

☒ The Debtor is overdue for **2** payments at **\$658.24** per month.

☒ The Debtor is overdue for **1** payment at **\$621.67** per month.

☐ The Debtor is assessed for \_\_\_\_\_ late charges at \$\_\_\_\_\_ per month.

☐ Applicant acknowledges suspense funds in the amount of \$\_\_\_\_\_

**Total Arrearages Due \$3,361.86**

2. Debtor must cure all post-petition arrearages, as follows:

☐ Immediate payment shall be made in the amount of \$\_\_\_\_\_. Payment shall be made no later than \_\_\_\_\_.

☒ Beginning on **February 23, 2020**, regular monthly mortgage payments shall continue to be made.

☒ Beginning on **April 1, 2020**, additional monthly cure payments shall be made in the amount of **\$560.31** for **6** months.

☐ The amount of \$\_\_\_\_\_ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular Monthly payment:

**Wells Fargo Home Equity**  
**PO Box 14529**  
**Des Moines, IA 50306-3529**

☒ Monthly cure payment:

**Wells Fargo Home Equity**  
**PO Box 14529**  
**Des Moines, IA 50306-3529**

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent

to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorney's fees of \$\_\_\_\_\_, and costs of \$\_\_\_\_\_.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within \_\_\_\_\_ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

## Certificate of Notice Page 5 of 5

United States Bankruptcy Court  
District of New JerseyIn re:  
Mary Ann Kopidlowski  
DebtorCase No. 17-19172-SLM  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903Page 1 of 1  
Total Noticed: 1

Date Rcvd: Feb 27, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 29, 2020.

db +Mary Ann Kopidlowski, 98 Race Street, Nutley, NJ 07110-2651

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 29, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 27, 2020 at the address(es) listed below:

Aleisha Candace Jennings on behalf of Creditor New Residential Mortgage LLC  
ajennings@rasflaw.com

Andrew L. Spivack on behalf of Creditor WELLS FARGO BANK, N.A. AS SUCCESSOR BY MERGER TO  
WACHOVIA BANK, N.A. nj.bkecf@fedphe.com

Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com

Kevin Gordon McDonald on behalf of Creditor Ditech Financial LLC kmcdonald@kmlawgroup.com,  
bkgroup@kmlawgroup.com

Marie-Ann Greenberg magecf@magtrustee.com

Michael G. Boyd on behalf of Debtor Mary Ann Kopidlowski michaelboydlaw@gmail.com

Robert Davidow on behalf of Creditor WELLS FARGO BANK, N.A. AS SUCCESSOR BY MERGER TO  
WACHOVIA BANK, N.A. nj.bkecf@fedphe.com

U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

William M.E. Powers on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com

William M.E. Powers, III on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com

TOTAL: 10